

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONALD LAMONT DAVIS,

Plaintiff,

No. 05-CV-71102-DT

vs.

Hon. Gerald E. Rosen

AUDBERT ANTONINI, LAURA KINDER,
and FNU ROSS,

Defendants.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING PLAINTIFF'S COMPLAINT

At a session of said Court, held in the
U.S. Courthouse, Detroit, Michigan
on November 22, 2005

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This Section 1983 prisoner civil rights matter having come before the Court on the October 31, 2005 Report and Recommendation of United States Magistrate Steven D. Pepe recommending that the Court dismiss Plaintiff's complaint for failure to exhaust administrative remedies; and Plaintiff having timely filed objections to the Magistrate Judge's Report and Recommendation to which Objections Defendant Ross has replied; and the Court having reviewed the Magistrate Judge's Report and Recommendation, Plaintiff's Objections, Defendant's Reply and the Court's entire file of this action, and having concluded that, for the reasons stated in the Report and Recommendation, this case should be dismissed in its entirety due to Plaintiff's failure to completely exhaust his administrative

remedies; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of October 31, 2005 be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Plaintiff's Complaint is DISMISSED in its entirety, without prejudice. Based on the foregoing, this Court certifies that any appeal by Plaintiff would be frivolous and not in good faith. 28 U.S.C. § 1915(a).

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: November 22, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 22, 2005, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager